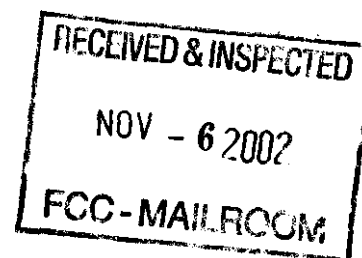


Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)

Reclassification of License)
Of Station WDOD-FM,)
Chattanooga, Tennessee)

RM-10591

ORDER TO SHOW CAUSE

Adopted October 23, 2002

Released October 25, 2002

Comment Date: November 25, 2002

By the Assistant Chief, Audio Division:

1. Before the Audio Division for consideration is a Petition for Rule Making filed by Ronald C. Meredith requesting the allotment of Channel 244A at Lake City, Tennessee as that community's first local FM service. To accommodate that allotment, petitioner also requests the reclassification of Station WDOD-FM, Channel 243C, Chattanooga, Tennessee, to specify operation on Channel 243C0. Station WDOD-FM currently operates on Channel 243C with an ERP of 100 kilowatts at 329 meters HAAT. The station is below the minimum Class C antenna height requirements of 450 meters HAAT. Because Station WDOD-FM is operating below minimum Class C standards, it is subject to reclassification as a Class C0 facility pursuant to the *Second Report and Order* in MM Docket No. 98-93,¹ and as set forth in Section 1.420(g), note 2, and Section 73.3574, note 4, of the Commission's Rules.

2. Pursuant to the reclassification procedures set forth in the *Second Report and Order*, *supra*, and Section 1.420(g), note 2, the reclassification of a Class C FM station to a Class C0 station may be initiated through the filing of a petition for rule making to amend the FM Table of Allotments. In instances where an initiating petition proposes amending the FM Table of Allotments in addition to the proposed reclassification of a Class C FM station, the Commission must issue an order to show cause as set forth in Section 73.3573, note 4. In such circumstances, a notice of proposed rule making will be issued only after the reclassification issue has been resolved. Therefore, in order to comply with the Commission's Class C0 reclassification procedures, we must issue this *Order to Show Cause* directed to WDOD of Chattanooga, Inc. ("WDODCI"), licensee of Station WDOD, Chattanooga, Tennessee. WDODCI is required to show cause why its authorization should not be modified to specify operation on Channel 243C0 in lieu of Channel 243C at Chattanooga, Tennessee.

¹ See *1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 15 FCC Rcd 21,649 (2000).

3. Section 316(a) of the Communications Act, as amended, permits the Commission to modify an authorization if such action is in the public interest. Further, pursuant to Section 316(a), we are required to notify the affected station of the proposed action, as well as the public interest reasons for the action, and afford at least 30 days to respond. This procedure is set forth in Section 1.87 of the Commission's Rules.² In this instance, a Class ~~CO~~ reclassification of Station WDOD-FM at Chattanooga, Tennessee, would accommodate petitioner's request to allot Channel 244A to Lake City, Tennessee ~~as~~ that community's first local service. Petitioner's request for reclassification therefore has sufficient public interest benefits and justifies the issuance of an order to show cause.

4. The license for Station WDOD-FM (File No. BLH-7039) at Chattanooga, Tennessee, can be modified to Channel 243C0 at its current authorized transmitter site, located at coordinates 35-09-39 ~~N~~L and 85-19-11 ~~W~~L. Pursuant to Section 1.87 of the Commission's Rules, WDODCI may, not later than November 25, 2002, file a written statement showing with particularity why its license (File No. BLH-7039) should not be modified as proposed in this **Order to Show Cause**. The Commission may call on WDODCI to furnish additional information. If WDODCI raises a substantial and material question of fact, a hearing may be required to resolve such a question pursuant to Section 1.87. Upon review ~~of~~ the statements and/or additional information furnished, the Commission may grant the modifications, deny the modifications, or set the matter of modifications for hearing. If no written statement is filed by the date referenced above, WDODCI will be deemed to have consented to the modification as proposed in this **Order to Show Cause** and a final **Order** will be issued by the Commission, if the channel modification is found to be in the public interest.

5. If WDODCI chooses to ~~seek~~ authority to modify its facilities, an acceptable application for a construction permit to increase the antenna height above 450 meters HAAT for Station WDOD-FM must be filed with the Commission within 180 days subsequent to the show cause response due date (November 25, 2002). Upon the filing of an acceptable construction permit application, the proposal to allot Channel 244A at Lake City, Tennessee, will be dismissed. The present three-year construction period will be applicable if a construction permit is obtained by WDODCI for Channel 243C as specified herein, under this procedure. If the construction is not completed as authorized, Station WDOD-FM is subject to reclassification automatically as a Class ~~CO~~ station, and, in that event, a new petition for rule making to allot Channel 244A at Lake City, Tennessee, may be refiled.

6. ~~IT IS THEREFORE ORDERED~~, That WDOD ~~of~~ Chattanooga, Inc. show cause why its authorization for station WDOD-FM (File No. BLH-7039) should not be modified to specify

² See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

operation on Channel 243C0 in lieu of Channel 243C at Chattanooga, Tennessee, and

7. IT IS FURTHER ORDERED, That the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, **SHALL** Send a copy of this ***Order to Show Cause*** by Certified Mail, Return Receipt Requested, to the following counsel for WDOD of Chattanooga, Inc., licensee of WDOD-FM, Chattanooga, Tennessee:

Coe W. Ramsey, **Esq.**
Brooks Pierce McLendon Humphrey & Leonard, LLP
Post Office Box 1800
Raleigh, NC 27602-1800

7. Any protest to this proposed reclassification may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. An envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail or Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

5. For further information concerning this proceeding, contact Deborah A. Dupont. Media Bureau, at (202)418-7072.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau